

# Exhibit 3

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LOUIS VUITTON MALLETIER, )  
S.A., )  
 )  
 Plaintiff, )  
 )  
 vs. ) Case No.  
 ) 14-cv-3419 (JMF)  
 MY OTHER BAG, INC., )  
 )  
 Defendant. )  
 )

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VIDEOTAPED DEPOSITION OF TARA MARTIN  
LOS ANGELES, CALIFORNIA  
THURSDAY, NOVEMBER 20, 2014

DEBORAH MORIN

Certified Shorthand Reporter  
in and for the State of California  
License No. 11558  
Expiration Date 9/30/2015

1           A     My Other Bag is a play on words, and it's from  
2 a very famous world-renowned joke: My other car is, My  
3 Other Bag is.

4           Q     Where have you seen this joke?

5           A     Oh, man, all over. License plate holders,  
6 bumper stickers. It's very prevalent in pop culture.

7           Q     Give me an example of something you've seen.

8           A     My other car is a Jaguar on a rental car.

9           Q     What's the joke?

10          A     The joke is taking something iconic and well  
11 known and parodying it, juxtaposing that with, you know,  
12 something that's its opposite.

13          Q     And what's funny about that?

14          A     It's very funny.

15          Q     What's funny about it?

16          MR. KENT: Objection. Asked and answered.

17          THE WITNESS: My Other Bag is, you know, a  
18 luxury bag, and this is, you know, a funny tote bag  
19 parody.

20          BY MR. SHAPIRO:

21          Q     So the parody of the joke is on the bag that  
22 says "My Other Bag" on it; correct?

23          A     Yes.

24          Q     Is there any other joke or parody that you  
25 intend by calling your bag "My Other Bag"?

DEBORAH MANZO-VASQUEZ

1 A No. It's very clear, the title.

2 Q Now, you decided to use -- I think you called  
3 them iconic bags; correct?

4 A Correct.

5 Q What does "iconic" means?

6 A It means it's, you know, very recognizable.  
7 People know it.

8 Q Do you have an understanding what this word  
9 means, "iconic"?

10 MR. KENT: Objection. Asked and answered.

11 THE WITNESS: I feel that I do.

12 BY MR. SHAPIRO:

13 Q Give me your best definition of the word  
14 "iconic."

15 A Something that is recognizable immediately  
16 upon seeing it.

17 Q Distinctive?

18 A Distinctive.

19 Q Exclusive?

20 A Yes.

21 Q And so when you picked Louis Vuitton bags to  
22 place on the other side of your bag, you did that  
23 because they were recognizable, distinctive and  
24 exclusive?

25 MR. KENT: Objection. Mischaracterizes prior

DEBORAH MANZO-VASQUEZ

1 testimony. Compound.

2 BY MR. SHAPIRO:

3 Q Please go ahead.

4 A Yes. The bags that I have chosen are very  
5 specific so that the joke is completely there and makes  
6 sense.

7 Q Right. And the joke is that you have a  
8 distinctive, recognizable and exclusive bag, and that  
9 makes it a joke on the bag that you are carrying, which  
10 is the My Other Bag; correct?

11 MR. KENT: Objection. Mischaracterizes prior  
12 testimony.

13 THE WITNESS: The joke is that, you know, you  
14 have My Other Bag, and every spoof is taking something  
15 iconic and recognizable and well known and, you know,  
16 we're doing a parody of that.

17 BY MR. SHAPIRO:

18 Q And the parody is that My Other Bag, the tote  
19 bag you're carrying is being made fun of; is that right?

20 A No. My Other Bag is the parody.

21 Q I see. Now, why did you put the designer bag  
22 on the other side?

23 MR. KENT: Objection. Vague and ambiguous.  
24 You can answer.

25 THE WITNESS: That was the whole point of the

DEBORAH MANZO-VASQUEZ

1 company, My Other Bag. It says it right there in the  
2 name. My Other Bag is, you know, one of these just like  
3 my other car is.

4 BY MR. SHAPIRO:

5 Q The "my other car" is a bumper sticker that  
6 you put not on a jaguar; right?

7 A No. You put it on the other car.

8 Q Why do you do that?

9 A That's the whole parody.

10 Q So you're making fun of the car that says "my  
11 other car is a Jaguar"?

12 A You're not making fun of -- yes, I mean --

13 Q Let's go on.

14 Now, did you purposely choose bags that were  
15 fashionable?

16 A I choose bags that were recognizable.

17 Q Well, do you regard your bags as fashionable?

18 A Not necessarily. They're a parody.

19 Q Have you described your bags as fashionable?

20 A I think they are stylish for a tote bag.

21 Q But you wouldn't use the word "fashionable"?

22 A Might.

23 Q Do you think your bags are fashionable?

24 MR. KENT: Objection. Asked and answered.

25 You can answer the question again.

DEBORAH MANZO-VASQUEZ

1 BY MR. SHAPIRO:

2 Q Go ahead.

3 A I'm so sorry.

4 MR. SHAPIRO: Let's ask the court reporter to  
5 read it again.

6 (Record read.)

7 THE WITNESS: It depends on how you define  
8 "fashionable." It's different for anybody. But I mean  
9 for a grocery tote, yes. They are a fashionable grocery  
10 tote.

11 BY MR. SHAPIRO:

12 Q I'm only using the term as you use the term.  
13 Whatever you mean by "fashionable." Do you regard the  
14 bags as fashionable?

15 A I mean a lot of different things. I mean I'm  
16 in fashion.

17 Q However you use the word "fashionable." Using  
18 all the various meanings, do you believe your bags are  
19 fashionable?

20 MR. KENT: Objection. Compound.

21 THE WITNESS: In the tote bag category, I  
22 believe they are fashionable, yes.

23 BY MR. SHAPIRO:

24 Q What makes them fashionable?

25 A Because they're fun and funny and colorful

DEBORAH MANZO-VASQUEZ

1 and --

2 Q And what makes them fun or funny is that you  
3 have this what you call this comparison between the  
4 designer bag on one side and My Other Bag on the other  
5 side and it's a tote bag; correct?

6 MR. KENT: Mischaracterizes prior testimony.

7 THE WITNESS: And it says "My Other Bag" on  
8 the other side too. So My Other Bag is on both sides.  
9 I believe it's fashionable in pop culture right now.  
10 It's a funny parody.

11 BY MR. SHAPIRO:

12 Q Why is it fashionable in pop culture?

13 A Because you're juxtaposing, like I already  
14 mentioned, an iconic item and, you know, using it as a  
15 reusable grocery tote.

16 Q You've been quoted from time to time as saying  
17 you love designer bags; is that right?

18 A Yes.

19 Q And is it true that you love designer bags?

20 A Yes.

21 Q Do you love Louis Vuitton bags?

22 A Loved.

23 Q Loved. Don't like them anymore; is that  
24 right?

25 A It's a little tricky right now.

DEBORAH MANZO-VASQUEZ

1 Q Because of the lawsuit?

2 MR. KENT: Counsel, when you finish the line  
3 of inquiry or find a time for a break --

4 MR. SHAPIRO: Oh, sure. Any time you need a  
5 break is fine with me. Let me just sort of finish this  
6 line.

7 Q You don't like Louis Vuitton anymore; right?

8 A You've made it a little hard.

9 Q Because of the lawsuit?

10 A Yes.

11 Q Okay. Well, let's just take it up to the time  
12 of the lawsuit. You loved Louis Vuitton bags until  
13 Louis Vuitton began to have a quarrel with you; is that  
14 correct?

15 A Yes.

16 Q When you say you loved them, what do you mean  
17 by that?

18 A I loved the bags.

19 Q Have you ever disparaged the bags?

20 A Disparaged? Do you mind --

21 Q Well, have you ever negatively criticized the  
22 bags before the lawsuit came about?

23 A Not that I can recall.

24 Q And did you have any reason ever -- well, did  
25 you ever do anything to negatively criticize the bags or

DEBORAH MANZO-VASQUEZ

1 criticize them in any way?

2 MR. KENT: Objection. Vague and ambiguous.

3 THE WITNESS: Negatively, no.

4 BY MR. SHAPIRO:

5 Q Positively in saying that you love them?

6 A I have said that I love designer bags, yes.

7 Q Well, let's make certain we're clear. Have  
8 you ever criticized Louis Vuitton bags up to the time of  
9 the lawsuit?

10 MR. KENT: Objection. Vague and ambiguous.

11 THE WITNESS: Not that I can recall.

12 BY MR. SHAPIRO:

13 Q And certainly by starting My Other Bag, you  
14 weren't doing anything that you regarded as criticizing  
15 Louis Vuitton, were you?

16 MR. KENT: Objection. Vague and ambiguous.

17 THE WITNESS: I mean it was a parody of Louis  
18 Vuitton.

19 BY MR. SHAPIRO:

20 Q That wasn't my question. I wasn't asking  
21 about parody. I was asking whether you were criticizing  
22 Louis Vuitton.

23 MR. KENT: Same objection.

24 THE WITNESS: I wouldn't say criticizing, no.

25 ///

DEBORAH MANZO-VASQUEZ

1 BY MR. SHAPIRO:

2 Q What's an ode?

3 A What I mean by "ode" is that, you know, every  
4 good spoof is based on something iconic that's well  
5 known and that's, you know, an ode to something else.  
6 It's elevating something else in order to make the spoof  
7 obvious and understood.

8 Q So when you say it was elevating something  
9 else, you were elevating Louis Vuitton?

10 A Yes.

11 Q Talking about how great it is?

12 A Putting it in an icon status because it's  
13 something that people would recognize and hence get the  
14 entire concept.

15 Q And in order for people to recognize it, they  
16 have to have been somehow become aware of Louis Vuitton  
17 and its iconic status; correct?

18 A You know, I can't speak to what other  
19 people --

20 Q No. I'm talking about what you were thinking  
21 when you were doing these bags.

22 A Well, I choose only bags that I knew were  
23 recognizable in our culture in order to --

24 Q Do you have an understanding how they became  
25 recognizable?

DEBORAH MANZO-VASQUEZ

1           A    You know, I really don't know. A couple  
2 thousand dollars.

3           Q    A couple thousand? Was that a lot of money to  
4 you?

5           A    Yes.

6           Q    And when you were investing that couple of  
7 thousand dollars, did you believe that you would make it  
8 up in sales?

9           A    I was hoping so.

10          Q    And when you were thinking about who was going  
11 to buy the bag, what person -- let's talk about those  
12 that had the markings that are in dispute in this  
13 lawsuit. What person did you think was going to buy  
14 those bags?

15          A    A person that would understand the parody.

16          Q    And by that you mean that they would have to  
17 understand or -- I'm sorry. They would have to  
18 recognize the Louis Vuitton bag; correct?

19            MR. KENT: Objection. Vague.

20            THE WITNESS: I mean --

21 BY MR. SHAPIRO:

22          Q    I think that's a yes-or-no question.

23          A    Yes. They would recognize it and understand  
24 the joke.

25            MR. SHAPIRO: I move to strike everything

DEBORAH MANZO-VASQUEZ

1 after "it."

2 THE WITNESS: May I ask a quick question?

3 MR. KENT: No.

4 MR. SHAPIRO: Do you want to talk to your  
5 counsel?

6 THE WITNESS: Okay.

7 MR. KENT: We can take a break if you need to  
8 talk to me.

9 MR. SHAPIRO: There's no question pending.

10 THE WITNESS: Okay.

11 (Plaintiff's Exhibit 4 marked for  
12 identification.)

13 BY MR. SHAPIRO:

14 Q Let me show what you I've marked as Exhibit 4.  
15 Take a moment to look at Exhibit 4, which on the first  
16 page says "The Collection," and then it's dated  
17 11/19/2014 down at the bottom, 4:44 P.M.

18 Have you had a chance to look at Exhibit 4?

19 A I have.

20 Q What is it?

21 A It's a printout from my website.

22 Q And are these the bags that you currently  
23 offer for sale?

24 A Yes.

25 Q Now, on the second page you'll see the second

DEBORAH MANZO-VASQUEZ

1 art himself.

2 Q So however it is that Mr. Venzke -- did I  
3 pronounce that correct?

4 Venzke created Page 2 of Exhibit 5, he did  
5 that with your knowledge and assistance; correct?

6 A Yes.

7 Q Okay. Do you recognize Exhibit 6?

8 A I do.

9 Q What is it?

10 A It was from a news article.

11 Q What news article?

12 A It was a news article about 50 iconic  
13 handbags.

14 Q Was it your understanding that Mr. Simpson did  
15 the drawings that are -- or the depictions that are part  
16 of this article?

17 A Yes.

18 Q And was it this article that caused you to  
19 contact Mr. Simpson with respect to purchasing some of  
20 his depictions?

21 A Yes.

22 Q And which ones did you buy?

23 A I honestly can't remember. I'd have to  
24 review.

25 Q And did you buy any with respect to Louis

DEBORAH MANZO-VASQUEZ

1 Vuitton?

2 A No.

3 Q How do you know that?

4 A Because we did not start with Louis Vuitton in  
5 the very beginning.

6 Q When did you start with the Louis Vuitton?

7 A I believe it was 2013.

8 Q Approximately when in 2013?

9 A You know, I don't want to guess. I'm not  
10 exactly sure.

11 Q Where would I go to find out exactly when it  
12 is that you started with the Louis Vuitton bags, the  
13 bags that had the Louis Vuitton depictions on them?

14 A I mean I could find out for you. I would just  
15 have to --

16 Q Better still, where would you go to find out?

17 A I would look back through our e-mails. I'm  
18 sure it's in there.

19 Q Why did you decide to begin to use Louis  
20 Vuitton -- depictions of Louis Vuitton bags in 2013?

21 A Because we wanted to keep using other iconic  
22 bags to continue expanding.

23 Q Would you agree with me that these pictures  
24 that people see on them with whatever markings they have  
25 are things that you use to designate where the goods

DEBORAH MANZO-VASQUEZ

1 come from? They designate your company?

2 MR. KENT: Objection. Vague and ambiguous.

3 THE WITNESS: Do you mind clarifying the  
4 question?

5 BY MR. SHAPIRO:

6 Q Well, when you say people look at these things  
7 and they understand what they are, would you agree with  
8 me that the depictions of Louis Vuitton bags that you  
9 use on those totes that have depictions of Louis Vuitton  
10 bags are depictions, pictures you use in order for  
11 people to understand that the product comes from you, my  
12 Other Bag?

13 A Yes. People know that the product comes  
14 from -- people know that our tote bags with those  
15 depictions come from My Other Bag.

16 Q So when they see one of these depictions, a  
17 customer or a consumer will say, "Aha, there is My Other  
18 Bag." Correct?

19 A If they see our tote bags.

20 Q Right, with these depictions.

21 A Yes. They would recognize the tote bags as,  
22 you know, from My Other Bag.

23 Q Right. And the reason they would know that is  
24 they would recognize the depictions as designating My  
25 Other Bag; right?

DEBORAH MANZO-VASQUEZ

1 A They would recognize it in multiple ways.

2 Q But that's one of them?

3 A That they would recognize the depictions.

4 Q We were talking a little while ago about  
5 somebody seeing one of these bags as they're going down  
6 the street; right? And you're saying there's no  
7 confusion.

8 So is it fair to say that in your  
9 estimation -- in your estimation and your intent is that  
10 people who see these depictions on the side of the bag  
11 say to themselves, "Aha, My Other Bag"?

12 MR. KENT: Objection. Compound.

13 THE WITNESS: We've done everything to do our  
14 brand "My Other Bag." It says it on the back. It says  
15 it on the front, but it is a parody of these other  
16 handbags.

17 MR. SHAPIRO: I move to strike the answer.

18 Q Let me see if I can make -- ask you the  
19 question again, making it even clearer.

20 A Okay.

21 Q The consumer that is walking down the street  
22 and looks across at somebody carrying one of the -- one  
23 of your tote bags and sees the depiction on the side of  
24 the Louis Vuitton bag, it's your intention that they  
25 understand that bag as having come from My Other Bag;

DEBORAH MANZO-VASQUEZ

1 appears on a Multi-Colour Bag; right?

2 A Yes.

3 Q You would agree with me that the Multi-Colour  
4 Bag is a bag that has distinctiveness, would you not?

5 A Yes.

6 Q You would agree with me that it's famous?

7 A Yes.

8 Q You would agree with me that Louis Vuitton has  
9 exclusive use of the multi-colour pattern?

10 MR. KENT: Objection. Calls for a legal  
11 conclusion. Vague.

12 You can answer it.

13 THE WITNESS: No. I would not agree with  
14 that.

15 BY MR. SHAPIRO:

16 Q Why would you not agree with that?

17 A Because it is fair parody other brands and  
18 companies and people.

19 Q Let me just ask you this question: Why didn't  
20 you use the exact pattern?

21 A Because I wanted to ensure that there was  
22 absolutely no way someone would not get the joke.

23 Q So if somebody didn't get the joke, you would  
24 agree that that would be a kind of confusion --  
25 right? -- to use the word you used previously?

DEBORAH MANZO-VASQUEZ

1 A I don't believe that.

2 Q If people don't get the joke, would you agree  
3 with me that they are likely to be confused?

4 MR. KENT: Objection. Vague.

5 BY MR. SHAPIRO:

6 Q If they don't get the joke, why are they not  
7 likely to be confused?

8 A Because there's nothing confusing about a tote  
9 bag for groceries that says "My Other Bag" on it and a  
10 famous very luxurious leather good.

11 Q You think the Louis Vuitton bags are leather;  
12 is that right?

13 A Some.

14 Q Some are not; correct?

15 A Correct.

16 Q You're aware that Louis Vuitton made a tote  
17 bag?

18 A What kind of tote bag?

19 MR. KENT: Objection. Calls for speculation.

20 BY MR. SHAPIRO:

21 Q You're not aware that Louis Vuitton made a  
22 tote bag?

23 A If you can --

24 Q A canvas tote bag?

25 A I'm not aware, no.

DEBORAH MANZO-VASQUEZ

1           Q     If you were aware that Louis Vuitton itself  
2 made a tote bag which had some of these markings on it,  
3 would you agree with me that people who don't get the  
4 joke are likely to be confused?

5           A     No. I do not agree with that.

6           Q     Why?

7           A     Because we have been very obvious that we're a  
8 parody, and no one has ever been confused.

9                    MR. SHAPIRO: We need to take a break because  
10 the court reporter -- I mean the videographer needs a  
11 break. It's a good time to take a break anyway. I  
12 don't know what time you prefer to take lunch break.  
13 We're making very good progress.

14                   VIDEOGRAPHER: The time now is 11:44 A.M.  
15 This will mark the end of Tape No. 1 in the deposition  
16 of Tara Martin. We are off the record.

17                           (Recess taken.)

18                   VIDEOGRAPHER: This will mark the beginning of  
19 Tape No. 2 in the deposition of Tara Martin at  
20 11:59 A.M. We're back on the record.

21                   MR. SHAPIRO: Okay. We didn't talk about it,  
22 but we'll go about another half hour?

23                   MR. KENT: To lunch, yeah. Let's cut it at  
24 that.

25                   MR. SHAPIRO: Okay. Sounds good. Let me know

DEBORAH MANZO-VASQUEZ

1 if I get lost in what I'm doing.

2 BY MR. SHAPIRO:

3 Q If you'd turn again to Page 2 of Exhibit 5,  
4 which is the artwork. Do you know what this pattern is  
5 called when it's used on a Louis Vuitton bag?

6 A I do not.

7 Q You ever heard the name Damier?

8 A Yeah.

9 Q Is that the Damier pattern to your knowledge?

10 A Um --

11 MR. KENT: Objection. Vague.

12 THE WITNESS: I mean, I think of it as a  
13 checkered pattern.

14 BY MR. SHAPIRO:

15 Q Would you agree with me that this is a  
16 distinctively Louis Vuitton pattern?

17 A I wouldn't agree.

18 Q Do you know of any other designer handbags  
19 that have this pattern?

20 A Checkers. None are coming to mind, but I --

21 Q Would you -- I'm sorry.

22 A No. Go ahead.

23 Q Would you agree with me that this is a famous  
24 Louis Vuitton pattern, whether it's distinctive to them  
25 or not?

DEBORAH MANZO-VASQUEZ

1 MR. KENT: Objection. Vague.

2 THE WITNESS: Yes.

3 BY MR. SHAPIRO:

4 Q So yes, it is a famous pattern?

5 A Yes. I think this checker pattern is famous.

6 Q And you would agree with me that consumers --  
7 based on your experience with fashion goods, that  
8 consumers recognize this as a Louis Vuitton pattern?

9 MR. KENT: Objection. Vague.

10 THE WITNESS: I mean it just depends on how it  
11 is, if it's just random checkers.

12 BY MR. SHAPIRO:

13 Q No. But on a handbag I'm talking about.

14 A Yes. On a handbag I would say it evokes that  
15 or recalls to mind.

16 Q Louis Vuitton?

17 A It would recall to mind Louis Vuitton in  
18 certain ways.

19 Q All right. And you -- so certainly for you,  
20 you recognize it as a Louis Vuitton pattern; correct?

21 A Yes.

22 MR. KENT: As opposed to me. I don't  
23 recognize any patterns.

24 MR. SHAPIRO: Fortunately your testimony  
25 doesn't count just like mine. I don't know handbags

1 from a hole in the wall, but what can I do? I keep  
2 getting informed -- I once threatened to use my youngest  
3 daughter as an expert witness.

4 MR. KENT: I'm sure she knows more than you.

5 MR. SHAPIRO: She knows a lot more than I do.  
6 That's for sure.

7 BY MR. SHAPIRO:

8 Q If you'll turn back to -- I don't know which  
9 number this is marked as. Exhibit -- is that 6?

10 A Correct.

11 Q Turning now to the second page of Exhibit 6  
12 where sort of in the middle of the page a little to the  
13 right there's a Louis Vuitton monogrammed Multi-Colour  
14 Bag. Do you see that?

15 A I do.

16 Q And you recognize that as the famous Louis  
17 Vuitton pattern; is that correct?

18 A Yes.

19 Q And you also recognize -- I'm sorry.

20 You also would view that pattern as famous?

21 A Yes.

22 Q You're aware that Louis Vuitton made a handbag  
23 that had very similar markings in black with a black  
24 background?

25 A Yes.

DEBORAH MANZO-VASQUEZ

1 BY MR. SHAPIRO:

2 Q And the reason you did that was that you did  
3 extensive research with respect to the issue; correct?

4 A No.

5 Q No? You just happened to, in your very scanty  
6 research, come across Chewy Vuitton?

7 A Yes. I -- it wasn't scanty research either.

8 That's not what I said. It wasn't extensive. I was  
9 looking at parodic use and, you know, other parodies.

10 Q Did you come across the Hyundai case by any  
11 chance?

12 A I did not.

13 Q So you didn't take that into consideration in  
14 making your own decision with respect to how you would  
15 use the pattern; correct?

16 A No.

17 Q Don't tell me what was said, but did you ever  
18 consult with counsel with respect to your use of Louis  
19 Vuitton before you used the depiction of a Louis Vuitton  
20 bag?

21 A No.

22 Q You've been known to say from time to time  
23 that your bags complement designer bags. Is that  
24 something you remember saying?

25 A I do not believe I said "complement designer

DEBORAH MANZO-VASQUEZ

1 bags." I said, "You could use them as a complement."

2 It's not --

3 Q Well, okay. So if you said you used them as a  
4 complement -- by "complement," you meant not something  
5 that was a nice word but something that completed it;  
6 correct? Complement, c-o-m-p-l-e-m-e-n-t; right?

7 A No, that's not what I meant.

8 Q Oh, so you meant it as a compliment?

9 A No. I would mean it as not completed it but,  
10 you know, in addition to or --

11 Q Do you know what the word "complement" means?

12 A I do.

13 Q What does it mean?

14 A I think there's various meanings. It depends  
15 on really what the context is, but you could compliment  
16 someone saying, "Oh, you look very nice."

17 Q Well, that's spelled differently, is it not?

18 A Yes, it is.

19 Q So I'm talking about the time when you used  
20 the word complement, c-o-m-p-l-e-m-e-n-t.

21 By the way, did you mean it as a compliment to  
22 Louis Vuitton?

23 A If I could see where I used this, then I would  
24 be happy to tell you what I meant.

25 Q I was just asking whether you ever did, and I

DEBORAH MANZO-VASQUEZ

1       A     I don't believe there needs to be a completed  
2     Louis Vuitton bag. A Louis Vuitton bag is something --  
3     is a different product from what I'm doing.

4       Q     Would you agree with me that when somebody  
5     sees your bag they associate your bag with a Louis  
6     Vuitton bag?

7       A     Only on the level of a parody.

8       Q     But however they're doing it, they are  
9     associating it in one way or another; correct?

10      A     They would have to.

11      Q     Okay. If a person saw your bag from the other  
12     side of the street but not the side that says "My Other  
13     Bag" with the big letters and they made an association  
14     to Louis Vuitton, how would they know, if at all, that  
15     you hadn't been authorized by Louis Vuitton to make this  
16     bag?

17      A     I do not believe that anyone would ever think  
18     that.

19      Q     Why?

20      A     Because it's a cartoon drawing on a canvas  
21     tote bag.

22      Q     Well, how would they know that that cartoon  
23     drawing is not one that Louis Vuitton gave you  
24     permission to do?

25      A     Louis Vuitton does different bags. They do

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1 actual handbags.

2 Q Right. But they understand that you're a  
3 different company. They see the depiction, and when  
4 they see the depiction, they say, "Aha, My Other Bag."  
5 Right? Is that right?

6 A I think it evokes both, which is the point.

7 Q Right. Okay. One of the things it does is it  
8 has people think, "Aha, My Other Bag." Right? And at  
9 the same time it has them think Louis Vuitton. That's  
10 the association; correct?

11 MR. KENT: Mischaracterizes prior testimony.

12 THE WITNESS: It has to evoke both, and that's  
13 been the entire point. So we've made it a point to, you  
14 know, have both.

15 BY MR. SHAPIRO:

16 Q I understand that. I understand that, but I'm  
17 saying, okay, so they do that. They associate your bag,  
18 which they see the depiction. They say, "Aha, My Other  
19 Bag." They also say, "Aha, Louis Vuitton," and they  
20 make the association.

21 What is it that your bag does that tells  
22 people that you were not authorized by Louis Vuitton to  
23 do what you did?

24 MR. KENT: Mischaracterizes prior testimony.

25 THE WITNESS: It's because Louis Vuitton isn't

1 A Um, I mean, I guess --

2 MR. KENT: Objection. Vague.

3 THE WITNESS: Yeah. What do you mean "change  
4 in business"?

5 BY MR. SHAPIRO:

6 Q Any change.

7 A I mean, yes, I make changes all the time.

8 Q Well, okay. Let me ask you the question this  
9 way: Did you make any changes in your business as a  
10 result of the C and D letter?

11 A No.

12 Q And did you ever in response to any letter  
13 from Louis Vuitton make any change in your business?

14 A In regards to the C and D letters?

15 Q As a result of the C and D letters.

16 A No.

17 Q Now, if you had gotten the C and D letters  
18 earlier than you did, would that have caused you or led  
19 you to make any changes in your business as a result of  
20 the letters?

21 A I don't know. That was completely  
22 hypothetical.

23 Q I know it's hypothetical. Do you have trouble  
24 with hypothetical questions?

25 A I mean yes because I don't know what I would

1                   MR. SHAPIRO: Let me hear it back. Maybe I  
2 screwed it up. Wouldn't be the first time.

3                   (Record read.)

4                   MR. SHAPIRO: I can see the ambiguity. So let  
5 me ask the question differently.

6 BY MR. SHAPIRO:

7                   Q     As you sit here now, is there anything you can  
8 say that you would have done that you didn't do  
9 if you -- in the instance or in the case that or if you  
10 had received the Louis Vuitton letters earlier?

11                  A     I can't say for sure as I sit here, no.

12                  Q     Can you think of anything?

13                  A     No, not right now.

14                  Q     You received more than one letter from Louis  
15 Vuitton; is that correct?

16                  A     Correct.

17                  Q     And, again, you didn't make any change as a  
18 result of the second letter from Louis Vuitton, did you?

19                  A     We responded. I did not make any changes.

20                  Q     You didn't make any change to your business as  
21 a result, did you?

22                  A     As a result, no.

23                  Q     How would you describe the quality of your  
24 bags?

25                  A     They are a hundred percent cotton canvas and

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1 eco-friendly and made in the USA. They're a nice  
2 quality grocery tote bags.

3 Q But in terms of quality, how would you compare  
4 them with Louis Vuitton bags?

5 A It's night and day. Louis Vuitton is luxury  
6 and finely crafted, you know, leather. And they are  
7 thousands of dollars and they're a status. And this is,  
8 you know, a funny play and social commentary on that  
9 materialism and status and high fashion in an  
10 eco-friendly grocery bag.

11 Q So the quality -- I move to strike everything  
12 after "day."

13 So in terms of quality alone, you would say  
14 the Louis Vuitton is very high quality and because yours  
15 is a tote bag, it's very low quality; is that right?

16 MR. KENT: Objection. Compound.

17 Mischaracterizes prior testimony.

18 THE WITNESS: That's not what I said. I'd say  
19 that Louis Vuitton is a luxury high-quality handbag, and  
20 this is a cotton made in the USA grocery tote.

21 BY MR. SHAPIRO:

22 Q Have you done any studies of the customers  
23 that have purchased your bags?

24 A I have not.

25 Q What kinds of stores are they sold in?

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1 about in this lawsuit?

2 A No.

3 Q Are there any facts or evidence or witnesses  
4 that you have for the proposition that Louis Vuitton  
5 does not own copyrights in the Multi-Colour Bag?

6 A Not getting into a lot of legal things that I  
7 don't really know about, but no, I don't have any  
8 witnesses on the contrary.

9 Q And you don't have any facts that you could  
10 offer that would suggest that?

11 A No.

12 Q Do you have any witnesses that you believe  
13 would be able to testify to the ownership one way or  
14 another of Louis Vuitton of either its trademarks or its  
15 copyrights? The ones that -- the ones that are listed  
16 in the complaint?

17 A I'm sure there is some witnesses who could  
18 testify about it one way or the other, but this is not  
19 my area. This is -- I'm not trying to speak about  
20 copyright.

21 Q Is there any way in which you're commenting on  
22 Louis Vuitton products other than to talk about how they  
23 are, as you say, iconic?

24 A Can you restate the question?

25 Q Sure. Is there any way in which you're

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1 commenting on Louis Vuitton products other than to hold  
2 them out as something that's iconic?

3 A Yes, of course. I mean there's multiple  
4 different ways, you know, in a parody. There's one way  
5 where you could view it as, you know, exulting it or  
6 iconic just like in movies or, you know, songs. And  
7 there's another way that it is funny. You can't take  
8 yourself too seriously in like high fashion and  
9 materialism. It is a social commentary. I'm like, wow,  
10 these bags are, you know, thousands of dollars, so let's  
11 put it on a funny grocery bag. You know, the entire  
12 thing is a complete parody, and it can be viewed, you  
13 know --

14 Q And the way in which it's a parody is the way  
15 in which you just described, the kind of special  
16 commentary. Is that what you're saying?

17 A There's a few things that I'm saying. You  
18 know, one would be that social commentary. At the time  
19 when I started the company I lost my job. And, you  
20 know, it was a funny thing to say like, okay, there's  
21 these, you know, bags that are thousands and thousands  
22 of dollars, and we're putting them on a reasonable  
23 cheeky cartoon tote bag, you know, for the grocery store  
24 as a reasonable product, and I think that is a social  
25 commentary about materialism and not taking yourself too

1 seriously or high fashion, and then there's also, you  
2 know, the parody about it that is very common in our  
3 culture.

4 Q The My Other Bag thing?

5 A The My Other Bag and tons of other parodies.  
6 I mean in movies and songs, you know, and the only good  
7 way to do a parody or spoof that people would know and  
8 recognize is taking a product that is iconic and  
9 recognizable and all of that and, you know, parodying  
10 it. It has to be iconic in order for anybody to get the  
11 joke.

12 Q Okay. So let's just be very clear and  
13 specific here. In terms of commenting on Louis Vuitton,  
14 what you're saying is there's kind of social satire, and  
15 then there's also the kind of joke, the parody that  
16 you're talking about; right?

17 A It's all a parody, and it's all, yeah. But  
18 there's multiple levels.

19 Q Right. So part of it is social commentary,  
20 and then there's the My Other Bag joke that you've  
21 mentioned previously. Is there anything else?

22 A I mean no. That really covers it.

23 Q I thought so. So My Other Bag, again, when I  
24 say the My Other Bag joke, we're talking about the same  
25 joke that appears on the license plate that says "My

1           A    I don't sell the Hermes bag, so they've never  
2 sold it. And the Goyard issue, as far as myself and  
3 counsel's concern, is closed. We responded.

4           Q    And when you say you've never sold the Hermes  
5 bag, never? There was never a bag, a tote that you sold  
6 that had a depiction of an Hermes bag?

7                    MR. KENT: Misstates testimony.

8 BY MR. SHAPIRO:

9           Q    Is that what you're saying?

10          A    No. What I said was they never sold the  
11 Hermes cartoon bag.

12          Q    Oh, you're talking about Delfina Showroom.  
13 Oh, I misunderstood who the "they" were.

14          A    I thought that's what you were asking.

15          Q    Yeah. No, it's just a miscommunication.

16                   So -- but they did sell the Goyard bag, "they"  
17 being Delfina Showroom?

18          A    They've sold the Goyard cartoon bag, yes.

19          Q    Do people sometimes say to you from time to  
20 time, "Gee, I like the Louis Vuitton bag"?

21          A    They definitely reference it that way.

22          Q    They'll say, "I like the Louis Vuitton bag, or  
23 they'll say I like the Goyard bag," or something of that  
24 sort; correct?

25          A    Correct.

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1 Q And that's because they're making an  
2 association between your bag and the company whose  
3 depiction you're using?

4 MR. KENT: Calls for speculation.

5 BY MR. SHAPIRO:

6 Q Right? That's your understanding?

7 A I mean my understanding is, you know, because  
8 My Other Bag is doing this parody, that it would have to  
9 call to mind those designer bags, so yes.

10 Q So just to make it very simple, you don't deny  
11 in any way that there's an association, an actual  
12 association between the bag that you sell and the  
13 original Louis Vuitton or Hermes or whatever bags;  
14 correct? You don't deny that?

15 A Oh, I deny that.

16 Q You deny that there's an association?

17 A There's not an association. There's a parody  
18 that does evoke that, but there's not an association  
19 between My Other Bag and Louis Vuitton as a company.

20 Q Well, no. But in order for what you say is  
21 the joke or the parody to work, there has to be an  
22 immediate association between the depiction on your bag  
23 and the Louis Vuitton bag it's a depiction of, whether  
24 cartoonish or otherwise; right? I mean there has to be  
25 that association otherwise it doesn't work?

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